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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

JULIA JUNGE and RICHARD JUNGE, on  
behalf of themselves and a class of similarly  
situated investors,

Plaintiffs,

v.

GERON CORPORATION and JOHN A.  
SCARLETT,

Defendants.

Case No.: 3:20-cv-00547-WHA

CLASS ACTION

(Consolidated with Case No. 3:20-cv-01163-  
WHA; Related to Case No. 3:22-mc-80051-  
WHA)

**JOINT STIPULATION AND  
[PROPOSED] ORDER FOR  
CONTINUANCE OF CERTAIN  
DEADLINES IN ORDER ON MOTION  
GRANTING LEAD PLAINTIFFS'  
MOTION TO EXTEND DISCLOSURE  
AND DISCOVERY DEADLINES [ECF  
NO. 238]**

1 The parties to the above-captioned action (the “Parties” and the “Action,” respectively), in  
2 good faith, submit the below stipulation and proposed order pursuant to Civil L.R. 6-2 for review  
3 and approval by the Court:

4 WHEREAS, on May 31, 2022, the Parties participated in an extensive and arms’ length  
5 Settlement Conference before the Honorable Magistrate Judge Donna M. Ryu (“Magistrate Ryu”);

6 WHEREAS, on July 24, 2022, the Court issued an Order Granting Lead Plaintiffs’ Motion  
7 to Extend Disclosure and Discovery Deadlines in the June 28, 2022 Amended Scheduling Order  
8 (“Scheduling Order”), which set forth a case schedule for the Action (ECF No. 238);

9 WHEREAS, on August 12, 2022, the Parties participated in a second extensive and arms’  
10 length Settlement Conference before Magistrate Ryu, and after substantial negotiation, were able  
11 to reach agreement on financial terms of a proposed agreement to resolve the Action;

12 WHEREAS, on August 12, 2022, Magistrate Ryu indicated in a Minute Entry on the docket  
13 in the Action that the Parties would seek to enter a Memorandum of Understanding (“MOU”) not  
14 later than August 19, 2022;

15 WHEREAS, on August 19, 2022, the Parties entered into an MOU to document the  
16 settlement in principle of the Action (the “Proposed Settlement”);

17 WHEREAS the Proposed Settlement was reached only after two extensive and arms’ length  
18 Settlement Conferences before Magistrate Ryu, including extensive submission of confidential  
19 mediation statements on each occasion;

20 WHEREAS, on August 22, 2022, the Parties filed a notice of the settlement in principle as  
21 part of a stipulation and proposed order requesting the same relief set forth herein (the “First  
22 Stipulation”) (ECF No. 245);

23 WHEREAS, on August 25, 2022, the Court denied the relief sought in the First Stipulation,  
24 indicating that the Parties were permitted to request the relief sought herein after a Motion for  
25 Preliminary Approval of a settlement had been filed (ECF No. 246);

26 WHEREAS the parties entered a formal Stipulation and Agreement of Settlement on  
27 September 2, 2022, and Lead Plaintiffs filed an unopposed Motion for Preliminary Approval of  
28 Class Action Settlement on September 2, 2022 (the “Preliminary Approval Motion”);

1 WHEREAS, the Preliminary Approval Motion is noticed for the next available civil motion  
 2 hearing date on October 13, 2022, but the motion is unopposed and the Parties stipulate, and  
 3 respectfully request, that it be heard at an earlier time, subject to the Court's preference and  
 4 availability;

5 WHEREAS, the current Scheduling Order set the last date for designation of expert  
 6 testimony and disclosure of full expert reports under FRCP 26(a)(2) as to any issue on which a  
 7 party has the burden of proof ("Opening Reports") as September 9, 2022, and set September 23,  
 8 2022 as the deadline for other parties to disclose any expert reports on the same issue ("Opposition  
 9 Reports"). The Scheduling Order further set September 30, 2022 as the date on which the party  
 10 with the burden of proof must disclose any reply reports rebutting specific material in opposition  
 11 reports (the "Rebuttal Reports"). As defined herein, these three deadlines (September 9,  
 12 September 23 and September 30, 2022) are the "Expert Report Deadlines."

13 WHEREAS, the Scheduling Order set October 14, 2022 as the cutoff for all expert  
 14 discovery (the "Expert Discovery Deadline");

15 WHEREAS, in addition to the Scheduling Order, the Court has permitted the deposition of  
 16 Geron Corporation employee Neeru Batra to occur, due to her ongoing maternity leave, after the  
 17 March 18, 2022 fact discovery cut-off in stipulated orders set forth in ECF Nos. 162, 223 and 241,  
 18 with the current stipulated and ordered date for Ms. Batra's deposition set for September 7, 2022;

19 WHEREAS, Ms. Batra is represented by Cooley LLP ("Cooley") for purposes of her  
 20 deposition in this Action, and Cooley has authority to agree to continue Ms. Batra's deposition to  
 21 a date to be reset and re-noticed to occur not later than ten (10) days before any further continued  
 22 date for Opening Reports;

23 WHEREAS the Parties seek a continuance of sixty (60) days of the Expert Report Deadlines  
 24 and the Expert Discovery Deadline in the current Scheduling Order, as well as an extension of the  
 25 date for Ms. Batra's deposition, to conserve resources; and

26 WHEREAS, the Court has previously granted three prior continuances of deadlines set in  
 27 this Action, as set forth in ECF Nos. 139, 195, 231 and 238, accordingly the continuance requested  
 28 herein would be the fourth continuance of certain deadlines in the case schedule in the Action;

Accordingly, the Parties stipulate, and request that the Court order, as follows:

1. The Expert Report Deadlines are continued for a period of sixty (60) days as follows: Opening Reports due November 8, 2022; Opposition Reports due November 22, 2022; Rebuttal Reports due November 29, 2022.

2. The Expert Discovery Deadline is continued for a period of sixty (60) days to December 13, 2022.

3. Ms. Batra's deposition shall be reset and re-noticed for a date not later than ten (10) days prior to the new deadline for Opening Reports.

4. Upon the Court's ruling on Lead Plaintiffs' unopposed Motion for Preliminary Approval of Class Action Settlement, the Parties may apply to the Court for further relief from the Expert Report Deadlines, Expert Discovery Deadline, and the deadline for Ms. Batra's deposition, and for relief from the other deadlines set forth in the current Scheduling Order, including the currently scheduled January 17, 2023 trial date.

5. The Preliminary Approval Motion noticed for October 13, 2022 may be heard on September 8, 2022 or September 22, 2022, or such date earlier than October 13, 2022 as the Court otherwise orders.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

**COOLEY LLP**

DATED: September 2, 2022

By: /s/ Ryan E. Blair  
Ryan E. Blair

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*Counsel for Defendants Geron Corporation and  
John A. Scarlett*

**KAPLAN FOX & KILSHEIMER LLP**

DATED: September 2, 2022

By: /s/ Jeffrey P. Campisi  
Jeffrey P. Campisi

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11 *Class Counsel for Lead Plaintiffs and Class*  
12 *Representatives Julia and Richard Junge and the*  
13 *Class*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Jeffrey P. Campisi, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2nd day of September 2022, at New York, New York.

By: /s/ Jeffrey P. Campisi  
Jeffrey P. Campisi

**[PROPOSED] ORDER**

PURSUANT TO THE STIPULATION, **IT IS SO ORDERED.**

The Preliminary Approval Motion shall be heard on \_\_\_\_\_, 2022, at \_\_.m.

Dated: \_\_\_\_\_, 2022

\_\_\_\_\_  
The Honorable Judge William Alsup  
United States District Judge